

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2  
Western Division**

Jack D McCullough

Plaintiff,

v.

Case No.: 3:17-cv-50116

Honorable Frederick J. Kapala

Brion Hanley, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Friday, August 31, 2018:

MINUTE entry before the Honorable Iain D. Johnston: On the plaintiff's motion for leave to amend [172], futility is a basis upon which to decide whether to grant leave. See *Right Field Rooftops, LLC v. Chicago Cubs Baseball Club, LLC*, 870 F.3d 682, 693 (7th Cir. 2017). However, because this Court is without authority to determine dispositive issues, it declines to opine on futility, and so the defendants should instead raise their arguments in any motion under Rule 12. The motion for leave to amend [172] is therefore granted. The plaintiff shall file the Second Amended Complaint as a separately-docketed entry by 9/5/2018. The defendants shall answer by 9/19/2018 and raise any argument for partial dismissal under Fed. R. Civ. P. 12(c). The defendants may file a successive motion under Rule 12(c) if warranted after the Seventh Circuit's decision in *Manuel*. (yxp, )

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